

**MEMORANDUM**

NOTE TO: HEATHER FLICK MELANSON  
CHIEF OF STAFF

DATE: May 19, 2025

SUBJECT: Preliminary Injunction – *State of Colorado, et al v. U.S. Department of Health and Human Services et al*, Civil Action No. 1:25-cv-00121

Twenty-three states and the District of Columbia have challenged the Department of Health and Human Services' (HHS), and Secretary Kennedy's (in his official capacity) termination of approximately \$11 billion dollars in COVID-19 funding issued in the form of grants<sup>1</sup> to the Plaintiff States.

On May 16, 2025, the District Court for the District of Rhode Island, issued a Preliminary Injunction (PI). Pursuant to that PI, HHS and all its agencies, respective officers, agents, servants, employees and attorneys, contractors, grantees, and any persons in active concert or participation with them who receive actual notice of the PI (the "Enjoined Parties") are:

- 1) Fully enjoined from implementing or enforcing through any means the decision made on or about March 24, 2025, that numerous health programs and appropriations responsible for \$11 billion of critical federal financial assistance were "no longer necessary" because the "COVID-19 pandemic is over" ("Public Health Funding Decision"), including any funding terminations, or from taking any action to reinstitute the Public Health Funding Decision for the same or similar reasons. This injunction is limited to funding for Plaintiff States, including their local health jurisdictions and any bona fide fiscal agents of Plaintiff States or their local health jurisdictions.
- 2) Required to immediately treat any actions taken to implement or enforce the Public Health Funding Decision, including any funding terminations, as null and void and rescinded. The Enjoined Parties must immediately take every step necessary to effectuate this order, including clearing any administrative, operational, or technical hurdles to implementation.
- 3) Required to provide written notice of this order to all Defendants and agencies and their employees, contractors, and grantees by the end of the day on Tuesday, May 20, 2025. By the end of the day on Tuesday, May 20, 2025, the Defendants SHALL FILE on the Court's electronic docket a Status Report documenting the actions that they have taken to comply with this Order, including a copy of the notice and an explanation as to whom the notice was sent.

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<sup>1</sup> For purposes of this memorandum, the term "grant" includes "cooperative agreements".

HHS must continue to take every step necessary to effectuate this PI, including clearing any administrative, operational, or technical hurds to implementation.

Pending any further instructions from the Court, HHS should ensure that it is not implementing, applying, or enforcing any terminations with respect to these awards against the Plaintiff States.

If you have any questions, please work with your usual contact in the Office of the General Counsel.



Sean R. Keveney  
Acting General Counsel

**Plaintiff States:**

Colorado  
Rhode Island  
California  
Minnesota  
Washington  
Arizona  
Connecticut  
Delaware  
District of Columbia  
Hawaii  
Illinois  
Kentucky  
Maine  
Maryland  
Massachusetts  
Michigan  
Nevada  
New Jersey  
New Mexico  
New York  
North Carolina  
Oregon  
Pennsylvania  
Wisconsin